

**Remarks**

Claims 20-28 were allowed in the action. Claims 6-14 and 16-19 were identified as containing allowable subject matter. Claims 16 was rejected under 35 USC 112. Claims 5 and 15 were rejected as anticipated by McLoughlin et al. (U.S. 5,888,051) or Dill et al. (U.S. 5,848,877).

Claim 9 has been amended above to independent form and should therefore be allowable as suggested in the action.

Claim 16 has been amended above to correct the antecedent basis problem noted in the action.

The rejection of claims 5 and 15 is respectfully traversed.

Claim 5 has been amended above to recite a building sprinkler system in which the control includes a member operatively connected with the throttle for moving the throttle, the member moveable in response to a fluid pressure condition acting thereon, the fluid pressure condition caused by a fluid pressure path leading from an output side of the pump to the member.

Addressing the rejection based upon McLoughlin applicant notes that the McLoughlin is not directed to a building sprinkler system, but is instead direct to a pump pressure control system of a fire truck pump. McLoughlin teaches the use of an electronic control, not the use of a member that moves the throttle in response to a pressure condition acting on the member. Accordingly, McLoughlin does not anticipate claim 5 as amended. Moreover, one of ordinary skill in the art of building sprinkler systems would not look to the teachings of McLoughlin for at least two reasons.

First, McLoughlin is concerned with protecting fire department personnel from surges in hoses/nozzles being used to dispense water on a fire. This problem of protecting fire department personnel from nozzle surges is not encountered in a building sprinkler systems, which are unmanned.

Second, McLoughlin specifically teaches a system in which the throttle control must be combined with a pressure relief valve 34 at the output side of the pump 12. The pressure relief valve 34 opens when output pump pressure too high as explained at col. 4, lines 28-34. This is necessary because the described electronic throttle control does not respond quickly enough. In contrast, in the building sprinkler system art use of such pressure relief valves is not permitted. Applicable National Fire Protection Association standards (NFPA 20) specifically prohibit such pressure relief valves. Thus, one of ordinary skill in the art of building sprinkler systems would view the McLoughlin fire engine pump system as unworkable in the context of a building sprinkler system.

Accordingly, McLoughlin et al does not anticipate claim 5 as amended, and does not render claim 5 obvious.

Addressing the rejection based upon Dill, Dill teaches a pressure control system associated with a spray gun 26. Dill is not directed to a building sprinkler system. Dill uses a pressure sensor 34 and electronic control 30 that outputs signals to effect a throttle control 44. Thus, Dill does not teach the use of a member that moves the throttle in response to a pressure condition acting on the member. Accordingly, Dill does not anticipate claim 5 as amended, and does not render claim 5 obvious.

Based upon the foregoing claim 5 is believed patentable over the art and withdrawal of the rejection of claim 5 is requested.

Claim 15 has been amended above to recite a building sprinkler system including a) a series of components, said components having a rated pressure limit; b) a pump connected to an internal combustion engine and having pressure capability which when combined with a system suction pressure exceeds said rated pressure limit of said components; c) a throttle control responsive to water pressure from said pump, the throttle control adapted to adjust an engine throttle so as to prevent said water pressure from said pump from exceeding the rated pressure of said components. Neither McLoughlin nor Dill are directed to a building sprinkler system with a series of components having a rated pressure capacity. Neither McLoughlin nor Dill teach a system in which the goal is to control pump output pressure based upon a rated pressure limit of sprinkler system components. Rather, McLoughlin addresses the problem of

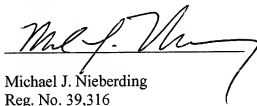
fire department personnel safety and Dill is intended to solve problems associated with locating an engine drive and transmission within a sound enclosure for noise protection (See Dill at col. 1, lines 43-62). Accordingly, one of ordinary skill in the art of building sprinkler systems would not look to McLoughlin or Dill.

For these reasons, neither McLoughlin nor Dill, nor the combination thereof, render claim 15 anticipated or obvious. Withdrawal of the rejection of claim 15 is therefore requested.

The Commissioner is hereby authorized to charge any additional fees required (including the fee for any extension of time), or to credit any overpayment, to Deposit Acct No.: 20-0809.

Please contact the undersigned attorney with any questions regarding this response.

Respectfully submitted,



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